S.B.Cr.Misc. Bail App. No. 5239/2007
(Sita Ram Vs. State of Rajasthan)

Date of order : 24/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. J.S.Choudhary for the petitioner.
Mr. Vishnu Kachhawaha Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It appears that on 02.10.2007 while the police was holding Nakabandi, two persons came on motorcycle, they were intercepted and on being searched 600 gms of opium was found. The motorcycle is said to be registered in the name of the present petitioner. As per the police case, the petitioner was not with the other co-accused at the time of recovery and he has been implicated being the registered owner of the vehicle. It is contended by learned counsel for the petitioner that the motorcycle was given to the co-accused for going to his village as he was known and the petitioner has no knowledge that the contraband will be carried by the co-accused person.

Looking to the facts and circumstances of the case and the fact that the petitioner was not present and nothing has been recovered from him, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Sita Ram S/o Kana Ram be released on bail in CR No. 404/07 P.S. Kotwali, Nagaur, provided he

executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP